1949.

File No. Money Lenders II/49 (R)

Legal Deptt.

B **BRANCH**

Subject:— Rules under the Bombay Money Lenders Act 1946.

P-E

File No. Money Lenders II/49 (R)

Sm. 194 e.

42-B

Legal Department.

Revised draft rules are sent her with subject to the following remarks.

2. R.D. Draft rule 4A has been recast into new rules 4A and 4B.

3. R.D. rule 6A: This has been transposed as rule 9A.

4. Amendment of ruel 9: It will be more convenience to substitute a new rule altogether inclusive of the proposed amendments.

5. R.D. Rule 9A It is presumed this rule is not to be included (vide Secretary, R.D's note in margin on p.38 ante.)

6. R.D.Rule 11A . The letter part of sub-rule (2) of R.D. rule 11A which requires repayments made by a debter to be utilised first towards recovery of the expenses of the statements of debts is inconsistent withthe provision made in section 19(1) (iii) of the Bombay Money-lenders Act, 1947, under which such payments are required to be utilized first towards interest and the residue, if any, towards the principal. That prt of R.D. sub-rule (2) has therefore been ex deleted from the revised rule 11A.

Similarly sub-rule (3) of R.D. draft rule 11A is inconsistent with the provisio s of s ctions 18(2) and 19(1) of the Act which require the statements to be delivered of "caused to be delivered" to the debtor. Such delivery can be made b any suitable way including hand delivery. It would not therefore be proper to restrict it to despatch in a "cover under a certificate of posting". The same remarks apply in the case of copies to be s ent to the Assistant Registrar. The sub-rule has therefore been delted from the revised rule 11A.

7. Amendments of Forms 1 and 2 : These have been recast.

8. Amendment of Form 3: This is redundant as separate licence is required for each branch of thebusiness.

Sd/ J. R. D.

Additional Secretary to Gov-ernment.

U.R. to R.D., No. 340, dated the 11th January 1949.

R.K.N.2/6/46

4C-

Legal Department.

The following amendment may be carried out in Form No.1 appended to the Bombay Money-lenders Rules 1947:-

"In Form 1, between entries 2 and 3 the following shall be inserted as entry 2A, namely:-

"Name, father's or husband's name, caste or religion and full address of the person or persons responsible for the management of the business, if any. It would be better to insert a new entry altogether than to amend the entry in column 2.

2. In order to enable the Assistant Registrar to fill in information in the Register of Moneylenders in regard to persons responsible for the management of the business as proposed above it would also be necessary to call for that information from the applicant. For this purpose Form 2 may be amended as follows:-

"In Form 2 to item 4 the following shall be added, namely:-

'With their father's or husband's name, surname caste, residence and address in full'".

Sd/ J. R. D.

Additional Secretary to Government.

H.D. to R.D.: 746 dated the 20th January 1949.

E.K.B. 2/6/56

4C.

Legal Department.

The view taken by the Revenue Department in paragraph 4 of their note at pages 19-20 is correct. It is not necessary to amend the Act for the purpose. Proposed rule 9A will meet the requirements of the case. It is neither necessary nor appropirate to make any further provision in the rule on the lines suggested by the Registrar-General.

2. The proposal of the Revenue Department to insert a new rule 3A for the exhibition of boards in the offices of the Assistant Registrars is in order. However, the rule may be recast as follows:-

" 3 A. Display of list of licensed money-lenders. Every Assistant Registrar shall display on a notice board in his office a list of money-lenders licensed to carry on the business of money-lending in the area under his jurisdiction. Such list shall contain the addresses of the money-lenders.

Sd/ J.R.D.

Additional Secretary to Government.

To

The Registrar, Co-operative Societies, Madras.

Lr. No. R. Dis.No.2171, dated the 23rd February 1949.

S.K.N. 2/6/56

Legal Department.

As stated by the Secretary, Revenue Department in his note dated 18-3-1949, the proposed rule 3A throws the burden of displaying lists of money-lenders on the Assistant Registrars and appears to be of a formal nature. There would therefore be no objection to incorporating the same in the other amendments to the rules which are proposed to be published finally.

Sd/ J.R.D.

Additional Secretary to Government.

G.O. to R.D. No.3087, dated the 19th March 1949.

B.K.M. 2/6/56.

4C.

Legal Department.

A revised draft notification is sent herewith.

Sd/ J.R.D.

Additional Secretary to Government.

U.R. to Development Department, No.14407
dated,12th December 1949.

E.K:N. 9/6/56

4C.